

8/4

**Notice of Allowability**

Application No.

10/736,751

Examiner

Thong Q. Nguyen

Applicant(s)

RICHARDSON, TIMOTHY M.

Art Unit

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/02/05.
2. ☒ The allowed claim(s) is/are 1, 3-13, and 19-25 which are renumbered as claims 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The present Office action is made in response to the reply filed on 11/02/2005. It is noted that in the reply, applicant has made changes to the specification, the drawings and the claims. Regarding to the claims, applicant has amended claims 8, 11-13; canceled claims 2, 14-18; and added a new set of claims, i.e., 19-25, into the application. The pending claims 1, 3-13, and 19-25 are examined in this Office action.

### ***Drawings***

2. The drawings contained two sheets of corrected figures 1, 4 and 4a were received on 11/02/05. These drawings are approved by the Examiner.

### ***Specification***

3. The lengthy specification which is amended by the amendment of 11/02/05 has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Allowable Subject Matter***

4. Claims 1, 3-13 and 19-25 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The microscope as recited in independent claim 1 is patentable with respect to the cited art, in particular, the U.S. Patent Nos. 6,239,905; 6,252,704; and 3,259,012 and the Japanese reference No. 5-323201 by the limitations related to the structure of the braces for connecting the head portion and the base portion

of the microscope. It is noted that the use of a C-shaped frame for supporting a head section having an objective and a base section supporting a stage is known as can be seen in each of the mentioned references. However, the cited art does not disclose a microscope having a C-shaped frame for connecting the head section and the base section and two curvilinear braces for connecting the head section and the base section as claimed.

It is noted that in the microscope recited in Patent No. 6,252,704, the Patent discloses the use of two curved sections/housings (40, 80) supporting an objective system and a stage and teaches that the two housings come to contact to each other via the operation of a knob, see column 5, lines 13-21; however, while the two curved housings 40 and 80 can come to contact to each other, but they do not connect the two housings because the two housings are moved and separated from each other when a focusing process is made.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

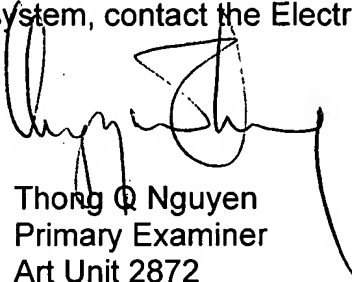
### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

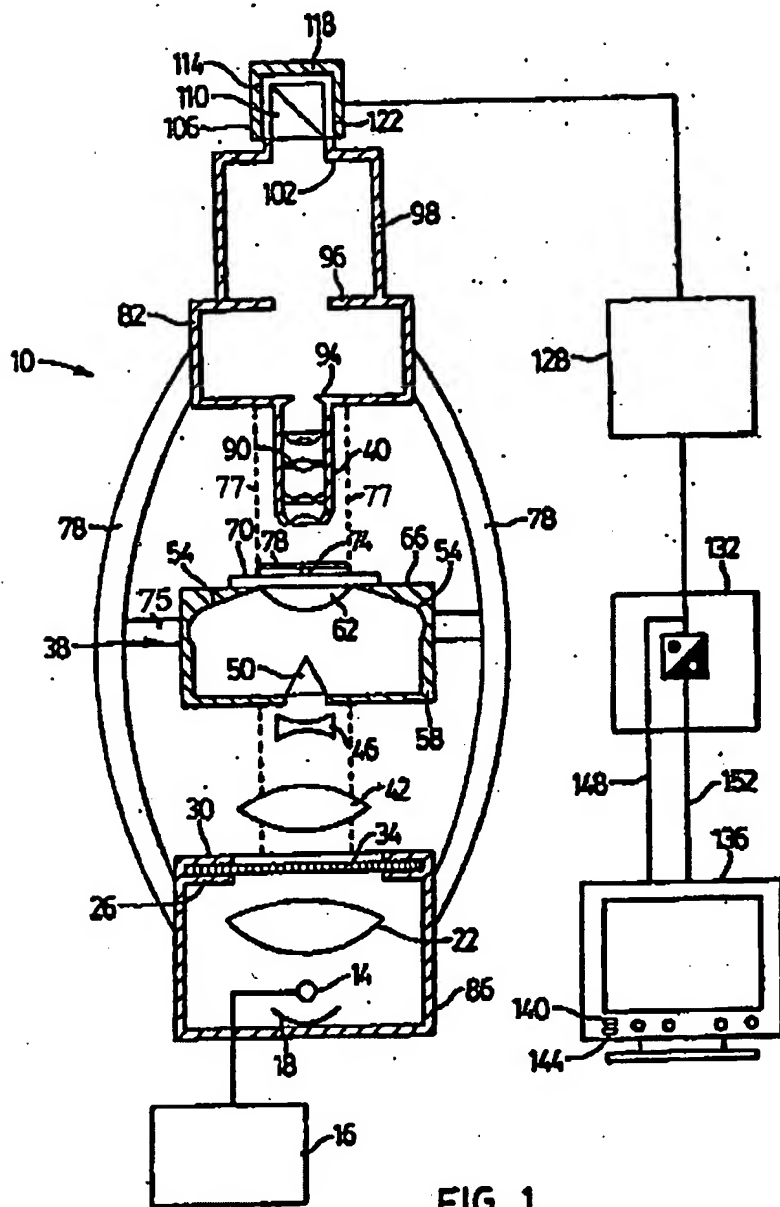


Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872

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Replacement Sheet

*Early approval  
3/3/06*



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*En hy approach  
Not  
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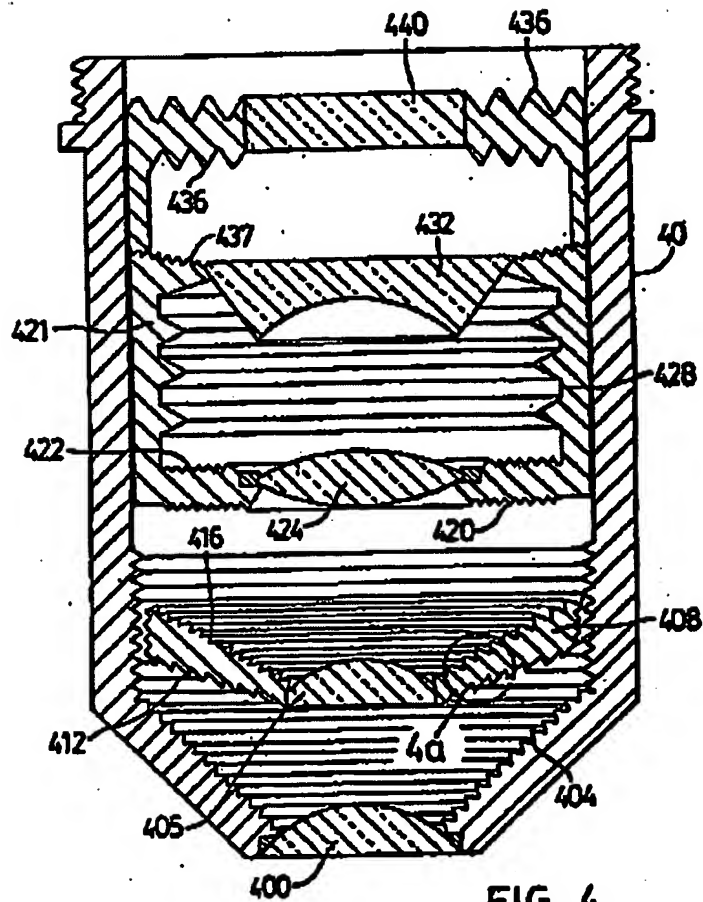


FIG. 4

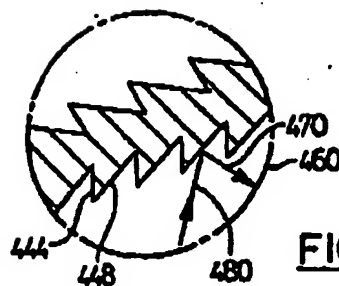


FIG. 4a

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